

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

CARNELL M MCCREARY-EL,

PLAINTIFF,

v.

Case No 23-CV-12100

HON. JONATHAN J.C. GREY

MAG. DAVID R. GRAND

STATE OF MICHIGAN, CATHY
M. GARRETT, LISA DENISE
PETERSON, DWAYNE B SEALS,
WAYNE COUNTY CLERKS
OFFICE,

DEFENDANTS.

Carnell M McCreary-El
14739 Holmur
Detroit, MI 48238
PRO SE for Plaintiff

Kristoffer P. Butler (P84282)
John C. Boufford (P55313)
Assistant Corporation Counsel
James W. Heath
Wayne County Corporation Counsel
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Attorneys for WC Defendants

**DEFENDANT GARRETT, PETERSON, SEALS AND WAYNE COUNTY
CLERKS' OFFICE ANSWER TO PLAINTIFF'S COMPLAINT**

DEFENDANT Garrett, Peterson, Seals and Wayne County Clerks' Office
(hereinafter "Wayne County Defendants"), by and through counsel, for their
Answer to Plaintiff's Complaint states as follows:

1. Defendant Wayne County lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.
2. Defendant Wayne County lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.
3. Defendant Wayne County lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.
4. Defendant Wayne County lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.
5. Defendant Wayne County lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.
That notwithstanding, Wayne County denies that it has any policy, custom, or procedure that would deny Plaintiff his constitutional rights.
6. Defendant Wayne County lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.
That notwithstanding, Wayne County denies that it has any policy, custom, or procedure that would deny Plaintiff his constitutional rights.
7. Defendant Wayne County lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.
8. Defendant Wayne County lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

9. Defendant Wayne County lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

10. Defendant Wayne County lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

I. ACCESS TO THE COURTS

11. Defendant Wayne County lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

II. PROCEDURAL AND SUBSTANTIVE DUE PROCESS

VIOLATIONS

12. Defendant Wayne County lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

Respectfully submitted,

By: /s/Kristoffer P. Butler
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Attorneys for WC Defendants

AFFIRMATIVE DEFENSES

1. Plaintiffs' claims are barred by qualified immunity under federal law.
2. Individual Defendants that may or have been named are entitled to immunity granted by law, including but not limited to absolute immunity, qualified immunity, and all immunity pursuant to the governmental tort liability act at 691.1401 et seq.
3. Plaintiff's contributory negligence was the cause or a cause of their own harm.
4. Defendant Wayne County was not the cause of plaintiffs' harm, if any.
5. Intervening superseding cause exists.
6. Plaintiff has failed to join a necessary party.
7. Plaintiffs' have failed to mitigate their damages.
8. The alleged rights violations in this case did not arise by virtue of any unconstitutional or otherwise unlawful custom, policy, and/or practice.

Respectfully submitted,

By: /s/Kristoffer P. Butler
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CERTIFICATE OF SERVICE

I certify that on October 10, 2023, I filed the *foregoing*, along with this *Proof of Service* with the Clerk of the Court via the court's electronic filing system which will send notice to all parties, and via US mail to all non ECF participants:

Carnell M McCreary-El
14739 Holmur
Detroit, MI 48238

/s/Susan Sweetman